

UNITED STATES DISTRICT COURT

for the
District of Arizona

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)) Case No. 22-9422 MB
 Vehicles Associated With Tim Wayne)
 Fox)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ Arizona
 (identify the person or describe the property to be searched and give its location):
 See Attachment A-1, incorporated by reference

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):
 See Attachment B, incorporated by reference

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

11/24/2022

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge on duty in the District of Arizona _____.

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 11/10/2022@12:52pm

E. Willett

Judge's signature

City and state: Phoenix, Arizona

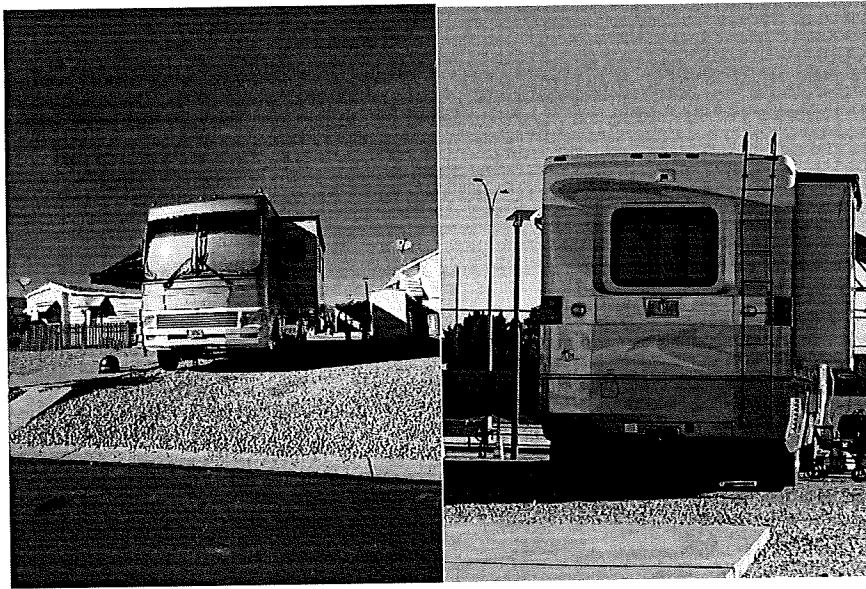
Hon. Eileen S. Willett, U.S. Magistrate Judge

Printed name and title

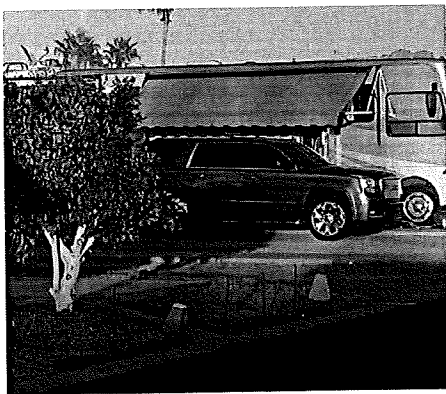
ATTACHMENT A

Property to be searched

The property to be searched is a champagne in color 2006 Dolphin Recreational Vehicle, with vehicle identification number (V.I.N.) 5B4MPA7GX63415619, assigned Oregon license plate of HC41867 which is currently located at the Superstition Sunrise RV Resort at 702 S Meridian Space 607, Apache Junction, Arizona.



A bronze in color 2015 GMC Yukon, with vehicle identification number (V.I.N) 1GKS1CKJ6FR670075 assigned Arizona license plate 28A94J.



ATTACHMENT B

Property to be seized

Items to be seized from the **Subject Vehicle** include the following:

1. Indicia of occupancy, rental, ownership, or use of the Subject Vehicle found thereon during the execution of the warrant, including, rental, purchase or lease agreements, identification documents, keys, vehicle titles and registration, and vehicle maintenance records.
2. Any and all items, documents or photographs relating to establishment of residency or attempts to establish residency.
3. Any receipts from vendors or tolls that would indicate Tim FOX or a third party traveled in interstate commerce from another state to Arizona. Receipts that indicate dates of Tim FOX, or a third party, residing in Arizona, to include gas receipts, food receipts, maintenance receipts, and store receipts.
4. Collection of photographs of the interior and exterior of the Subject Vehicle.
5. Mail or correspondence addressed to Tim FOX.
6. Any and all cellular telephones, and cellular telephone accessories including chargers, sim-cards, purchase contracts, and account information.
7. Personal identifying information, including, but not limited to, driver's licenses, identification cards, credit and debit cards.
8. Any handwritten or computer-generated maps, notes, directions, or information pertaining to FOX's travel plans.
9. The person of Tim Wayne FOX.

This warrant authorizes a review of records and information seized, copied or disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and

technical experts. Pursuant to this warrant, the USMS may deliver a complete copy of the seized, copied, or disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

UNITED STATES DISTRICT COURT

for the
District of ArizonaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Vehicles Associated With Tim Wayne Fox

Case No. 22-9422 MB

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A-1, incorporated by reference.

located in the _____ District of _____ Arizona, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

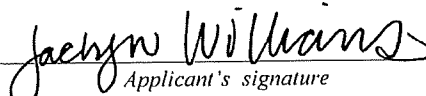
Code Section
Title 18 U.S.C. 2250

Offense Description
Failure to Register as a Sex Offender

The application is based on these facts:
See attached Affidavit, incorporated by reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

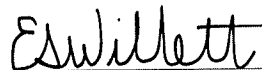
Reviewed by Sheila Phillips, AUSA S.P.


Applicant's signature

Jaclyn Williams, Deputy U.S. Marshal
Printed name and title

Sworn to and signed electronically.

Date: 11/10/2022@12:52pm


Judge's signature

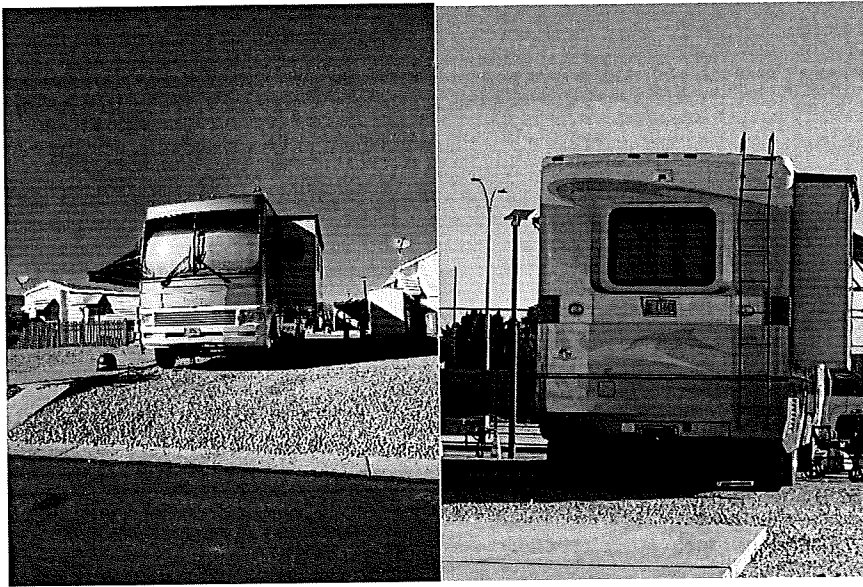
City and state: Phoenix, Arizona

Eileen S. Willett, United States Magistrate Judge
Printed name and title

ATTACHMENT A

Property to be searched

The property to be searched is a champagne in color 2006 Dolphin Recreational Vehicle, with vehicle identification number (V.I.N.) 5B4MPA7GX63415619, assigned Oregon license plate of HC41867 which is currently located at the Superstition Sunrise RV Resort at 702 S Meridian Space 607, Apache Junction, Arizona.



A bronze in color 2015 GMC Yukon, with vehicle identification number (V.I.N) 1GKS1CKJ6FR670075 assigned Arizona license plate 28A94J.



ATTACHMENT B

Property to be seized

Items to be seized from the **Subject Vehicle** include the following:

1. Indicia of occupancy, rental, ownership, or use of the Subject Vehicle found thereon during the execution of the warrant, including, rental, purchase or lease agreements, identification documents, keys, vehicle titles and registration, and vehicle maintenance records.
2. Any and all items, documents or photographs relating to establishment of residency or attempts to establish residency.
3. Any receipts from vendors or tolls that would indicate Tim FOX or a third party traveled in interstate commerce from another state to Arizona. Receipts that indicate dates of Tim FOX, or a third party, residing in Arizona, to include gas receipts, food receipts, maintenance receipts, and store receipts.
4. Collection of photographs of the interior and exterior of the Subject Vehicle.
5. Mail or correspondence addressed to Tim FOX.
6. Any and all cellular telephones, and cellular telephone accessories including chargers, sim-cards, purchase contracts, and account information.
7. Personal identifying information, including, but not limited to, driver's licenses, identification cards, credit and debit cards.
8. Any handwritten or computer-generated maps, notes, directions, or information pertaining to FOX's travel plans.
9. The person of Tim Wayne FOX.

This warrant authorizes a review of records and information seized, copied or disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and

technical experts. Pursuant to this warrant, the USMS may deliver a complete copy of the seized, copied, or disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Your Affiant, Jaclyn Williams, being first duly sworn, hereby deposes and states as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant makes this Affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the subject vehicles, a champagne in color 2006 Dolphin Recreational Vehicle (RV), with vehicle identification number (V.I.N.) 5B4MPA7GX63415619, assigned Oregon license plate of HC41867, which is currently located at the Superstition Sunrise RV Resort at 702 S Meridian Space 607, Apache Junction, Arizona (hereinafter the “**Subject RV**”), and a bronze in color 2015 GMC Yukon, with vehicle identification number (V.I.N) 1GKS1CKJ6FR670075 (hereinafter the “**Subject Yukon**”) as further described in Attachment A, in order to search for and seize the items outlined in Attachment B, which represents evidence, fruits, and/or instrumentalities of the criminal violations further described below.

2. I am a Deputy United States Marshal (DUSM) assigned to the United States Marshals Service (USMS), in Phoenix, Arizona. I graduated from the United States Marshals Service Training Academy at the Federal Law Enforcement Training Center for Criminal Investigators in 2018. I am currently assigned as the District Sex Offender Coordinator for the Phoenix Office. As part of my regular duties, I investigate violations of Title 18, United States Code (U.S.C.), Section 2250(a), Failure to Register as a Sex Offender.

3. The statements contained in this Affidavit are based on information derived from your Affiant’s personal knowledge, training, and experience; information obtained from the knowledge and observations of other sworn law enforcement officers, either directly or indirectly through their reports or observations; review of surveillance footage and review of law enforcement databases.

4. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrant, your Affiant has not set forth all the relevant facts known to law enforcement officers.

II. BASIS FOR PROBABLE CAUSE

5. I am currently investigating Tim Wayne Fox (FOX) for Failure to Register as a Sex Offender, in violation of Title 18 U.S.C. § 2250 (a) which occurred beginning on or about October 12, 2022, until on or about November 9, 2022, in the District of Arizona.

6. On February 16, 2011, FOX was sentenced to 20 months in custody at the Oregon Department of Corrections after a Jury Verdict of guilty in Linn County Criminal Circuit Court case number 10040604, for the crimes of Attempt to Commit a Class B Felony- Sexual Abuse in the First Degree, a Class C Felony and Sexual Abuse in the Third Degree, a Class A Misdemeanor, in violation of Oregon Statutes ORS 161.405(2)(c), 163.427(1)(a)(B) and 163.415. As a result of this conviction, FOX is required to register as a sex offender pursuant to the Sex Offender Registration and Notification Act (SORNA). Under SORNA, FOX is a Tier III offender, required to register for life. FOX has registered as a sex offender on at least 13 occasions in the state of Oregon.

7. Per rules of the sex offender registry in Oregon, FOX is required to report in person to the Department of State Police, a city police department or a county sheriff's office, in the county of his reported residence each year within 10 days of his birthday. FOX reported to the Sweet Home Police Department on October 10, 2022, as required. During this visit, FOX changed his address from 28211 Scott Mountain Rd., Sweet Home, OR, to 86779 Summer Ln, Christmas Valley, OR. This is the last known registration update completed by FOX. The only vehicle listed on the registration is a 2007 Ford F150 with Washington plate number C87979H. SORNA requires offenders to "not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved". Offenders must also provide the license plate number and a description of any vehicle owned or operated by the sex offender.

8. On October 19, 2022, the Apache Junction Police Department performed a felony stop on the **Subject Yukon**, after the plate was ran and was associated with two missing children out of Washington. FOX and his wife Jamie Cobat were the only occupants. The vehicle is registered to FOX and Cobat with an address of 702 S Sabrina, Mesa, AZ. FOX and Cobat told police they were staying in an RV park at 9252 E Broadway Rd, Mesa, AZ. Police discovered FOX is a registered sex offender in Oregon, but not registered in Arizona.

9. On October 26, 2022, U.S. Marshals investigators went to the RV park on E Broadway and spoke with management, who located a reservation in the name of Jamie Cobat. The reservation contained an email address, PO box and phone number associated with Cobat. Staff provided investigators with the recorded phone call of the reservation being made. On the call, Cobat's daughter, Rikki Harvill, who has a felony warrant out of Washington for Custodial Interference-DV related to the missing children, made the reservation using Cobat's credit card, and stated there would be 3 adults, 2 children and 2 dogs staying. Harvill inquired about a Veteran discount. FOX is a military Veteran. Staff at the RV park stated the stay was from October 12, 2022, to October 24, 2022. The RV Park requires guests provide photos of RVs to book. Staff provided photos of the RV associated with this reservation.

10. In the evening of October 27, 2022, a publicly available video was posted on a TikTok social media account, believed to belong to Jamie Cobat, depicting the SpaceX rocket launch that occurred in California and was witnessed in Arizona that night. The video appeared to be inside of an RV park. This was the same RV park investigators already determined FOX and Cobat had rented at in the past. Investigators went to the park located at 702 S Meridian, Apache Junction, AZ, and spoke with management. Management confirmed a reservation in Jamie Cobat's name in spot 607. Investigators went to this spot and located an RV that matched the photos already obtained, bearing Oregon License plate number HC41867 (**Subject RV**). Law Enforcement database searches indicate this plate is expired and comes back to a woman believed to be Cobat's

son's paternal grandmother, in Lebanon, OR. Investigators established surveillance near the **Subject RV** and at approximately 1700, the **Subject Yukon**, arrived and parked next to the **Subject RV**. FOX and Cobat got out of **Subject Yukon** and went into **Subject RV**. Mobile surveillance was initiated when FOX left the RV park alone in the **Subject Yukon** and concluded after investigators observed him attending a Skyline High School football game with the residents of the S Sabrina address: FOX's biological daughter, Krystal Bancroft, and her husband, Paul Bancroft.

11. Investigators have continued to conduct surveillance of the subject vehicles at the RV park. FOX and Cobat have been observed coming and going from the **Subject RV**, in the **Subject Yukon** with FOX driving.

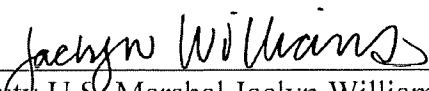
12. On November 9, 2022, Jacob Harvill, the father of the missing children, told investigators FOX and Cobat obtained the **Subject RV** approximately 4-5 years ago from Cobat's son's grandmother. J. Harvill confirmed the name on the license plate registration is the grandmother. J. Harvill said he believed an "Owner Carrier Contract" was done for them to purchase it. J. Harvill stated FOX has lived in the RV at various times, including in a church parking lot in Oregon.

13. Based on information developed during the investigation of FOX, your affiant believes that FOX has lived in the **Subject RV** in Arizona and has done so without registering as a sex offender as required by law. FOX has not included the **Subject Yukon** or **Subject RV** in any sex offender registration as required and has used these vehicles to travel in interstate commerce.

REQUEST FOR AUTHORIZATION


14. Based on the foregoing, your Affiant submits there is probable cause to believe that Tim FOX has failed to register as a sex offender, and the items referenced in Attachment B, which constitute evidence, and/or instrumentalities of violations of Title 18 U.S.C. § 2250 (a) are likely to be found in and on the **Subject RV and Subject Yukon**, which are further described in Attachment A.

15. Based on the foregoing, your Affiant requests that the Court issue the proposed search warrant.



Deputy U.S. Marshal Jaclyn Williams

Subscribed and sworn to before me telephonically this 10 day of November, 2022.



HONORABLE EILEEN S. WILLETT
United States Magistrate Judge